

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-CV-62-GCM**

GILBERT HOLLAND,)
Plaintiff,)
)
vs.)
COMPASS GROUP USA, INC.,)
Defendant.)
_____)

NOTICE and ORDER

THIS MATTER is before the court upon Plaintiff Gilbert Holland's Motion for Extension of Time (Doc. No. 20) and Plaintiff's Motion to Compel (Doc. No. 21). The Court previously issued a *Roseboro* notice setting a response deadline of October 20, 2014 (Doc. No. 18) in which Plaintiff could respond to Defendant Compass Group's pending motion to dismiss, which deadline passed without Plaintiff filing a response. Plaintiff now shows that he has a new address and that he has not received any filings in this case since June 10, 2014.¹ It appears that Plaintiff attempted to change his address with the Court by including an "amendment" at the end of his Second Amended Complaint (*see* Doc. No. 7 at 7) rather than filing a separate notice of change of address. As a result, his change of address was not recorded. The Court will therefore grant Plaintiff an extension of time of thirty days from the date of this order to file a response to Compass Group's motion to dismiss. The Court will also send by mail a copy of the filings in this case since June 10, 2014, other than any filings made by Plaintiff. In the future, Plaintiff is instructed to file a separate notice of change of address if he wishes to change his address of record with the Court.

¹ Plaintiff did, however, file a response to Defendant Carolinas Medical Center's motion to dismiss on July 15, 2014. (*See* Doc. No. 11). That motion was not filed until July 2, 2014; thus it appears that Plaintiff has received at least some filings in this case filed after June 10.

TO THE PLAINTIFF, GILBERT HOLLAND, READ THE FOLLOWING VERY CAREFULLY:

You are to file a brief written argument opposing the Defendant's Motion to Dismiss (Doc. No. 17) on or before February 12, 2015.

You are hereby advised that you have until February 12, 2015 in which to file your response to the Motion to Dismiss. If you fail to respond to the motion, the Court will proceed to decide the matter. A copy of the response must be served on the Defendant and a certificate of service must be filed with the Court showing that a copy has been sent to counsel for the Defendant.

IT IS THEREFORE ORDERED that Plaintiff's Motion for Extension of Time (Doc. No. 20) is **GRANTED** in part. Plaintiff may respond to Defendant's Motion to Dismiss (Doc. No. 17) **on or before February 12, 2015. Failure to file a timely response may lead to the dismissal of Plaintiff's lawsuit without further notice.**

IT IS FURTHER ORDERED that Plaintiff's Motion to Compel Doc. No. 21) is **DENIED**. The Court will mail Plaintiff copies of all filings in this case since June 10, 2014 other than Plaintiff's own filings.

The Clerk is directed to send a copy of this NOTICE and ORDER to Plaintiff's address of record.

SO ORDERED.

Signed: January 12,



Graham C. Mullen
United States District Judge

